

**Cumberland Township Board of Supervisors
Minutes of the April 17, 2012 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Assistant Secretary Carol Merryman, Police Chief Don Boehs, Engineer Tim Knoebel and Zoning Officer Bill Naugle. Visitors present were: Barry and Jean Stone, Elizabeth Magner, Dale Molina, Carolyn Greaney, Don Sangirardi, Bob Sharrah, Todd Durboraw, Carolyn Durboraw, Matt Sentz, Carl Keller, Stanley Wolf, Cheryl Hankey, Sandra Dixon, Speros Marinos, Steve Wolf, Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Shealer made a motion to approve the Minutes of the March 22, 2012 workshop meeting and the March 27, 2012 regular meeting seconded by Mr. Ferranto and carried.

Mr. Waybright made a motion to pay the bills, in the amount of \$41,782.02 from the General Fund, seconded by Mr. Toddes and carried.

Engineer:

Mr. Knoebel reported that the Durboraw Family Trust Final Plan proposes to subdivide a 10 acre lot from a 160 acre farm at the intersection of Ridge Road and Chapel Road. He reported that the plan has been reviewed by the Planning Commission and they have recommended approval contingent upon the comments in his April 11, 2012 memo being addressed and Mr. Sharrah has revised the plan per this memo. He added that there is a Sewage Planning Module that needs to be approved by PADEP and he recommended that approval be contingent upon receiving PADEP's approval of the module. **Mr. Waybright made a motion to approve the Sewage Planning Module and to send it to PADEP for their approval seconded by Mr. Shealer and carried. Mr. Waybright also made a motion to approve the Durboraw Family Trust Final Plan contingent upon all comments in the April 11, 2012 memo being addressed seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that the Jayjyoti Final Land Development Plan documents as-built conditions at The Comfort Suites Hotel on Baltimore Pike. He stated that the plan needs to be re-approved and re-signed so that it can be recorded. **Mr. Toddes made a motion to re-approve and re-sign the Jayjyoti Final Land Development Plan seconded by Mr. Ferranto and carried.**

Mr. Knoebel also reported that the Jayjyoti Final Subdivision Plan transfers some land to the adjoining property, The Pike Restaurant, and is a resolution of a dispute between the two property owners and follows an order of Adams County Court of Common Pleas. He stated that he has received a revised plan which addresses the comments in his April 11, 2012 memo, but there are some agreements that still need to be reviewed by the Solicitor. **Mr. Waybright made a motion to approve the Jayjyoti Final Subdivision Plan subject to all comments in the engineer's April 11, 2012 memo being addressed and the Jayjyoti Final Land Development Plan being recorded seconded by Mr. Shealer and carried.**

Mr. Knoebel reported that the next item, Gettysburg Area Middle School Plan, is a review that is going on primarily in Gettysburg Borough with portions in the Township. He added that the plan has been reviewed by the Planning Commission and they have recommended approval, but the plan is not in a good position for him to recommend approval by the Board. He suggested that the plan be tabled. **Mr. Shealer made a motion to table the Gettysburg Area Middle School Plan until the comments on the engineer's April 11, 2012 memo are addressed seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the Township is close to finalizing an agreement with Woodhaven Developers, developers of Cumberland Village, for improvements to Herr's Ridge Road from the intersection with Old Mill Road to the intersection with the new Fairplay Road. The improvements include reclamation, re-paving,

widening and drainage improvements. He added that this will also involve vacating a portion of Herr's Ridge Road between Fairplay Road and Paddock Drive.

Mr. Knoebel reported that the Township has received a Request for Extension for the Judy R. Miller Final Plan and they are working through the comments and he recommended that the extension be granted. **Mr. Shealer made a motion to grant the Request for Extension for the Judy R. Miller Final Plan until July 25, 2012 seconded by Mr. Waybright and carried.**

Public Comment:

Mr. Don Sangirardi, 51 Hunter's Trail, reminded the Board of the fragile nature of the Township's infrastructure, in particular the water, in regards to Brandon Keller's application for a Concentrated Animal Operation. He asked that they be required to provide their own water during drought conditions.

Mrs. Jean Stone, 1745 Mummasburg Road, read and presented written comments regarding the Township's proposed zoning text amendments regarding notification and posting of properties for public hearings. She stated that the citizens had submitted a text amendment requiring posting and notification to everyone within 1000 feet of the affected property at least 30 days prior to the public hearing. She added that it seems that the Township's proposed text amendment deletes (by adopting them by Resolution) the very section that the citizens are trying to change. She asked that these requirements remain part of the Zoning Ordinance. Mrs. Stone asked the Supervisors to carefully review this and stated that she looks forward to further discussion on this issue at the May 8, 2012 public hearing.

Mr. Stanley Wolf, 714 Blackhorse Tavern Road, asked why Breams Hill Road has been closed. Mr. Shealer stated that the road was closed by PennDOT because of the bridge construction on Rt. 116 and will be re-opened when the construction is finished. Mr. Shealer also stated that the Board has not taken any action to close Breams Hill Road.

Mr. Carl Keller stated that he farms all around Old Mill Road and he asked that Breams Hill Road not be closed. He added that the bridge closure on Knoxlyn Road forces him to use Breams Hill Road to access the fields that he farms.

Mr. Speros Marinos, 912 Baltimore Pike, commended the Police Department for the work they do battling drunk drivers. He also asked the Board to re-zone the Baltimore Pike corridor to Commercial.

Mr. Steve Wolf, 900 Chambersburg Road, read and submitted written comments regarding the process of the recent public hearing regarding the zoning map change and being advised that he could only make comments at the public hearing. He also stated that he was told that the decision had already been made prior to the hearing. Solicitor Wisner stated that there was no decision made prior to the public hearing. Mr. Wolf disagreed and left the meeting.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of March including 535 complaints, 159 combined arrests, 154 traffic stops, 6 traffic accidents and 6,994 patrol miles. He added that they assisted other agencies 10 times and they were assisted 5 times.

Active Business:

Mr. Thomas reported that he would like the Board to officially announce in May, that they will be taking public comment on the possible closure of Breams Hill Road in June. He added that this possible decision to close the road is a direct result of a petition that was received by the Township. Mr. Thomas also reported that, at that time, the staff will present the results of a traffic study. Mr. Stanley Wolf asked the Board to research the minutes from the approval of Cumberland Village because Breams Hill Road was to be used as an exit for the

development.

Mr. Thomas reported that Adams County hosted a pre-construction meeting at the municipal building for the replacement of the Belmont Road Bridge last week and the contractor hopes to begin construction May 1st. He added that the Township will put information out to the residents in that vicinity as soon as we get it.

New Business:

Mr. Thomas reported that funding has been carried over from the 2011 budget for replacement of the Township's computer file server. He asked the Board to reaffirm and approve replacement by Computer Works. He added that the total cost is \$10,580.70 and Cumberland Township Authority will pay 25% (\$3,600.00) leaving a balance of \$6,980.70 to be paid by the Township from the General Fund. **Mr. Shealer made a motion to approve the quote from Computer Works, in the amount of \$10,580.70, for the new file server, associated items and installation, with a 25% reimbursement from Cumberland Township Authority of approximately \$3,600.00, seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that occasionally the Township discovers that an applicant has failed to record an approved plan at the courthouse within the 90 day time limit. He added that the plan must come back to the Township for re-signing or it is voided and this requires a certain amount of staff time. Mr. Thomas recommended that a \$100.00 fee be established for this re-approval and re-signing process. Mr. Thomas also stated that he will be making a recommendation, in the future, that Township staff record the plans at the courthouse, but a fee for this still has to be determined. **Mr. Waybright made a motion to establish a \$100.00 fee to review, re-approve and re-sign approved plans that were not recorded seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that Cumberland Township Authority is currently advertising for bids for the construction of two pumping stations and they are asking, as a governmental component unit of the Township, to have their building permitting fees waived. Mr. Thomas added that the amount the Township would be waiving, if approved, is \$2,804.00. He added that the inspection fee would be \$1,356.00, but a portion may need to be contracted out for the electrical inspection and that portion would have to be paid by the Authority. **Mr. Shealer made a motion to waive the building permitting fees for the Authority for their two pumping stations seconded by Mr. Waybright and carried.**

Solicitor Wisner reported that under the Special Events Ordinance, Section 13.212, the Board may permit some waiver from the terms of the ordinance, as long as the intent of the ordinance is still met. He added that the intent of the ordinance is to make sure that the Township is adequately covered by insurance and he feels that the one million dollar General Liability limit that the YWCA has is adequate. **Mr. Toddes made a motion to accept the YWCA's one million dollar General Liability limit for their Special Events seconded by Mr. Waybright and carried.** Mr. Thomas suggested that the Board may want to consider amending the five million dollar requirement.

Mr. Thomas confirmed that Barlow Fire Hall is available on Wednesday, May 23 and Thursday, May 24, 2012 for the Brandon Keller Conditional Use hearing. Chairperson Underwood suggested that the hearing be started at 5:00 p.m. with a scheduled break later in the evening at the Board's discretion. **Mr. Shealer made a motion to schedule the Brandon Keller Conditional Use Hearing for Wednesday, May 23, 2012 at 5:00 p.m. at Barlow Fire Hall with Thursday, May 24, 2012 being available if the hearing should need to be continued seconded by Mr. Waybright and carried.**

Mr. Waybright made a motion seconded by Mr. Toddes and carried to schedule a Conditional Use Hearing for Harrisburg Area Community College for parking facilities for Tuesday, May 22, 2012 at 6:30 p.m. at the Township Building.

Mr. Shealer made a motion seconded by Mr. Toddes and carried to schedule a public hearing for a

citizen's text change request received from M & L Properties (Confederate Woods Animal Hospital) to increase the building area to 35% for June 7, 2012 at 7:00 p.m. This is an evening workshop date. Mr. Thomas suggested that the Board may want to piggyback the Special Event \$5 million General Liability limit amendment with this amendment because we will be getting a lot of applications for Special Events in 2013.

Reports:

Mr. Thomas reported that he attended the Gettysburg Municipal Authority meeting and they discussed activities in Straban Township, a major upgrade to their facilities that is ahead of schedule, the Old Mill Road well site and regional planning.

Mr. Thomas reported that the Township's proposed Zoning text amendments removes the ordinance for public notification and refers to the Municipalities Planning Code which allows the Supervisors to adopt their own regulations. He added that a Draft Resolution has been written and it has been reviewed by Solicitor Wisner. Mr. Thomas read the Draft RESOLUTION FOR HEARING NOTICE REQUIREMENTS BY THE CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS.

The Zoning Officer and Assistant Secretary's reports were reviewed.

Solicitor:

Solicitor Wisner reported that the Board entered into an agreement with ACNB Bank for Automated Clearing House Entries last year. ACNB Bank has requested that the Board sign a substantially similar updated Agreement this year. Solicitor Wisner stated that he has reviewed the Agreement and he asked the Board to approve it. **Mr. Shealer made a motion to approve the Agreement to Originate Automated Clearing House Entries with ACNB Bank, as presented by the Township's Solicitor, seconded by Mr. Toddes and carried.**

Solicitor Wisner also asked the Board to reaffirm the public comment requirements for residents and parties with standing for the upcoming hearings for proposed ordinance amendments. Solicitor Wisner stated that this does not apply to Conditional Use hearings. **Mr. Shealer made a motion seconded by Mr. Waybright and carried to adopt the standard public comment requirements for the upcoming public hearings on text amendments.**

Solicitor Wisner also explained the public notice requirements for the public hearing scheduled for May 8, 2012 for the Township's proposed text amendments. Mr. Thomas added that the information will be placed on the Township's web-site for public view. Mr. Ferranto suggested that a hard copy of the text amendments be provided the night of the hearing for the public who attend. Mrs. Stone also asked that the applicable parts of the Municipalities Planning Code be included with the copies. **Mr. Ferranto made a motion to provide 50 hard copies of the Township's proposed text amendments and related documents from the MPC for the public at the hearing seconded by Mr. Shealer and carried.**

Chairperson Underwood reported that Adams County has a Burn Ban that became effective on April 14, 2012.

At 8:25 p.m., the meeting was adjourned for an Executive Session with no deliberations to follow.

Carol A. Merryman, Asst. Secretary

_____)
_____)
_____) Supervisors
_____)
_____)